

1 AMENDMENT TO SENATE BILL 2067

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 2067 on page 1, by  
3 replacing lines 4 and 5 with the following:

4 "Section 5. The Toll Highway Act is amended by changing  
5 Sections 10, 11, 14.1, 18, 23, 24, and 27.1 and adding  
6 Sections 8.1, 16.2, 20.2, and 23.5 as follows:

7 (605 ILCS 10/8.1 new)

8 Sec. 8.1. Inspector General.

9 (a) The Governor, with the advice and consent of the  
10 Senate, shall on January 20, 2003 appoint an Inspector  
11 General who shall have the authority to conduct  
12 investigations into allegations or incidents of waste, fraud,  
13 and financial mismanagement in Authority operations involving  
14 an Authority employee or contractor. The Inspector General  
15 shall make recommendations to the Authority regarding his or  
16 her investigations. The Inspector General shall be appointed  
17 for a term of 4 years. The Governor shall determine the  
18 compensation to be received by the Inspector General. The  
19 Inspector General shall be independent of the operations of  
20 the Authority and perform other duties as requested by the  
21 Authority.

22 (b) The Inspector General shall have access to all

1 information and personnel necessary to perform the duties of  
2 the office. If the Inspector General determines that a  
3 possible criminal act has been committed or that special  
4 expertise is required in the investigation, he or she shall  
5 immediately notify the State Police. All investigations  
6 conducted by the Inspector General shall be conducted in a  
7 manner that ensures the preservation of evidence for use in  
8 criminal prosecutions.

9 (c) At all times, the Inspector General shall be granted  
10 access to any building or facility that is owned, operated,  
11 or leased by the Authority.

12 (d) The Inspector General shall have the power to  
13 subpoena witnesses and compel the production of books and  
14 papers pertinent to an investigation authorized by this  
15 Section. A person is guilty of a Class A misdemeanor if he or  
16 she:

17 (1) fails to appear in response to a subpoena;

18 (2) fails to answer any question;

19 (3) fails to produce any books or papers pertinent  
20 to an investigation under this Section; or

21 (4) knowingly gives false testimony during an  
22 investigation under this Section.

23 (e) The Inspector General shall provide to the  
24 Authority, the Governor, and the General Assembly a summary  
25 of reports and investigations made under this Section for the  
26 previous fiscal year no later than January 1 of each year.  
27 The summaries shall detail the final disposition of the  
28 Inspector General's recommendations. The summaries may not  
29 contain any confidential or identifying information  
30 concerning the subjects of the reports and investigations.  
31 The summaries shall also include detailed, recommended  
32 administrative actions and matters for consideration by the  
33 General Assembly.

1 (605 ILCS 10/10) (from Ch. 121, par. 100-10)

2 Sec. 10. Authority powers. The Authority shall have  
3 power:

4 (a) To pass resolutions, make by-laws, rules and  
5 regulations for the management, regulation and control of its  
6 affairs, and to fix tolls, and to make, enact and enforce all  
7 needful rules and regulations in connection with the  
8 construction, operation, management, care, regulation or  
9 protection of its property or any toll highways, constructed  
10 or reconstructed hereunder. After the effective date of this  
11 amendatory Act of the 92nd General Assembly and through June  
12 30, 2003, the Authority shall not charge or collect tolls at  
13 a rate higher than the tolls in effect on March 21, 2002.

14 (a-5) To fix, assess, and collect civil fines for a  
15 vehicle's operation on a toll highway without the required  
16 toll having been paid. The Authority may establish by rule a  
17 system of civil administrative adjudication to adjudicate  
18 only alleged instances of a vehicle's operation on a toll  
19 highway without the required toll having been paid, as  
20 detected by the Authority's video surveillance system. Rules  
21 establishing a system of civil administrative adjudication  
22 must provide for written notice of the alleged violation and  
23 an opportunity to be heard on the question of the violation  
24 and must provide for the establishment of a toll-free  
25 telephone number to receive inquiries concerning alleged  
26 violations. Only civil fines may be imposed by  
27 administrative adjudication. A fine may be imposed under  
28 this paragraph only if a violation is established by a  
29 preponderance of the evidence. Judicial review of all final  
30 orders of the Authority under this paragraph shall be  
31 conducted in accordance with the Administrative Review Law.

32 (b) To prescribe rules and regulations applicable to  
33 traffic on highways under the jurisdiction of the Authority,  
34 concerning:

1           (1) Types of vehicles permitted to use such  
2 highways or parts thereof, and classification of such  
3 vehicles;

4           (2) Designation of the lanes of traffic to be used  
5 by the different types of vehicles permitted upon said  
6 highways;

7           (3) Stopping, standing, and parking of vehicles;

8           (4) Control of traffic by means of police officers  
9 or traffic control signals;

10          (5) Control or prohibition of processions, convoys,  
11 and assemblages of vehicles and persons;

12          (6) Movement of traffic in one direction only on  
13 designated portions of said highways;

14          (7) Control of the access, entrance, and exit of  
15 vehicles and persons to and from said highways; and

16          (8) Preparation, location and installation of all  
17 traffic signs; and to prescribe further rules and  
18 regulations applicable to such traffic, concerning  
19 matters not provided for either in the foregoing  
20 enumeration or in the Illinois Vehicle Code. Notice of  
21 such rules and regulations shall be posted conspicuously  
22 and displayed at appropriate points and at reasonable  
23 intervals along said highways, by clearly legible markers  
24 or signs, to provide notice of the existence of such  
25 rules and regulations to persons traveling on said  
26 highways. At each toll station, the Authority shall make  
27 available, free of charge, pamphlets containing all of  
28 such rules and regulations.

29          (c) The Authority, in fixing the rate for tolls for the  
30 privilege of using the said toll highways, is authorized and  
31 directed, in fixing such rates, to base the same upon annual  
32 estimates to be made, recorded and filed with the Authority.  
33 Said estimates shall include the following: The estimated  
34 total amount of the use of the toll highways; the estimated

1 amount of the revenue to be derived therefrom, which said  
2 revenue, when added to all other receipts and income, will be  
3 sufficient to pay the expense of maintaining and operating  
4 said toll highways, including the administrative expenses of  
5 the Authority, and to discharge all obligations of the  
6 Authority as they become due and payable.

7 (d) To accept from any municipality or political  
8 subdivision any lands, easements or rights in land needed for  
9 the operation, construction, relocation or maintenance of any  
10 toll highways, with or without payment therefor, and in its  
11 discretion to reimburse any such municipality or political  
12 subdivision out of its funds for any cost or expense incurred  
13 in the acquisition of land, easements or rights in land, in  
14 connection with the construction and relocation of the said  
15 toll highways, widening, extending roads, streets or avenues  
16 in connection therewith, or for the construction of any roads  
17 or streets forming extension to and connections with or  
18 between any toll highways, or for the cost or expense of  
19 widening, grading, surfacing or improving any existing  
20 streets or roads or the construction of any streets and roads  
21 forming extensions of or connections with any toll highways  
22 constructed, relocated, operated, maintained or regulated  
23 hereunder by the Authority. Where property owned by a  
24 municipality or political subdivision is necessary to the  
25 construction of an approved toll highway, if the Authority  
26 cannot reach an agreement with such municipality or political  
27 subdivision and if the use to which the property is being put  
28 in the hands of the municipality or political subdivision is  
29 not essential to the existence or the administration of such  
30 municipality or political subdivision, the Authority may  
31 acquire the property by condemnation.

32 (Source: P.A. 89-120, eff. 7-7-95.)

33 (605 ILCS 10/11) (from Ch. 121, par. 100-11)

1           Sec. 11. The Authority shall have power:

2           (a) To enter upon lands, waters and premises in the  
3 State for the purpose of making surveys, soundings, drillings  
4 and examinations as may be necessary, expedient or convenient  
5 for the purposes of this Act, and such entry shall not be  
6 deemed to be a trespass, nor shall an entry for such purpose  
7 be deemed an entry under any condemnation proceedings which  
8 may be then pending; provided, however, that the Authority  
9 shall make reimbursement for any actual damage resulting to  
10 such lands, waters and premises as the result of such  
11 activities.

12           (b) To construct, maintain and operate stations for the  
13 collection of tolls or charges upon and along any toll  
14 highways.

15           (c) To provide for the collection of tolls and charges  
16 for the privilege of using the said toll highways. Before it  
17 adopts an increase in the rates for toll, the Authority shall  
18 hold a public hearing at which any person may appear, express  
19 opinions, suggestions, or objections, or direct inquiries  
20 relating to the proposed increase. Any person may submit a  
21 written statement to the Authority at the hearing, whether  
22 appearing in person or not. The hearing shall be held in the  
23 county in which the proposed increase of the rates is to take  
24 place.

25           The Authority shall give notice of the hearing by  
26 advertisement on 3 successive days at least 15 days prior to  
27 the date of the hearing in a daily newspaper of general  
28 circulation within the county within which the hearing is  
29 held. The notice shall state the date, time, and place of  
30 the hearing, shall contain a description of the proposed  
31 increase, and shall specify how interested persons may obtain  
32 copies of any reports, resolutions, or certificates  
33 describing the basis on which the proposed change,  
34 alteration, or modification was calculated.

1       The Authority may not hold more than one hearing on the  
2       same day in connection with a proposed increase in the rates  
3       for toll under this subsection. The Authority must schedule a  
4       minimum of 4 hours for each such hearing. At least 3  
5       directors of the Authority must be present at each such  
6       hearing, and each such director must be present for the  
7       entire duration of the hearing.

8       After consideration of any statements filed or oral  
9       opinions, suggestions, objections, or inquiries made at the  
10      hearing, the Authority may proceed to adopt the proposed  
11      increase of the rates for toll. No change or alteration in  
12      or modification of the rates for toll shall be effective  
13      unless at least 30 days prior to the effective date of such  
14      rates notice thereof shall be given to the public by  
15      publication in a newspaper of general circulation, and such  
16      notice, or notices, thereof shall be posted and publicly  
17      displayed at each and every toll station upon or along said  
18      toll highways.

19      (d) To construct, at the Authority's discretion, grade  
20      separations at intersections with any railroads, waterways,  
21      street railways, streets, thoroughfares, public roads or  
22      highways intersected by the said toll highways, and to change  
23      and adjust the lines and grades thereof so as to accommodate  
24      the same to the design of such grade separation and to  
25      construct interchange improvements. The Authority is  
26      authorized to provide such grade separations or interchange  
27      improvements at its own cost or to enter into contracts or  
28      agreements with reference to division of cost therefor with  
29      any municipality or political subdivision of the State of  
30      Illinois, or with the Federal Government, or any agency  
31      thereof, or with any corporation, individual, firm, person or  
32      association. Where such structures have been built by the  
33      Authority and a local highway agency did not enter into an  
34      agreement to the contrary, the Authority shall maintain the

1 entire structure, including the road surface, at the  
2 Authority's expense.

3 (e) To contract with and grant concessions to or lease  
4 or license to any person, partnership, firm, association or  
5 corporation so desiring the use of any part of any toll  
6 highways, excluding the paved portion thereof, but including  
7 the right of way adjoining, under, or over said paved portion  
8 for the placing of telephone, telegraph, electric, power  
9 lines and other utilities, and for the placing of pipe lines,  
10 and to enter into operating agreements with or to contract  
11 with and grant concessions to or to lease to any person,  
12 partnership, firm, association or corporation so desiring the  
13 use of any part of the toll highways, excluding the paved  
14 portion thereof, but including the right of way adjoining, or  
15 over said paved portion for motor fuel service stations and  
16 facilities, garages, stores and restaurants, or for any other  
17 lawful purpose, and to fix the terms, conditions, rents,  
18 rates and charges for such use.

19 The Authority shall also have power to establish  
20 reasonable regulations for the installation, construction,  
21 maintenance, repair, renewal, relocation and removal of  
22 pipes, mains, conduits, cables, wires, towers, poles and  
23 other equipment and appliances (herein called public  
24 utilities) of any public utility as defined in the Public  
25 Utilities Act along, over or under any toll road project.  
26 Whenever the Authority shall determine that it is necessary  
27 that any such public utility facilities which now are located  
28 in, on, along, over or under any project or projects be  
29 relocated or removed entirely from any such project or  
30 projects, the public utility owning or operating such  
31 facilities shall relocate or remove the same in accordance  
32 with the order of the Authority. All costs and expenses of  
33 such relocation or removal, including the cost of installing  
34 such facilities in a new location or locations, and the cost

1 of any land or lands, or interest in land, or any other  
2 rights required to accomplish such relocation or removal  
3 shall be ascertained and paid by the Authority as a part of  
4 the cost of any such project or projects, and further, there  
5 shall be no rent, fee or other charge of any kind imposed  
6 upon the public utility owning or operating any facilities  
7 ordered relocated on the properties of the said Authority and  
8 the said Authority shall grant to the said public utility  
9 owning or operating said facilities and its successors and  
10 assigns the right to operate the same in the new location or  
11 locations for as long a period and upon the same terms and  
12 conditions as it had the right to maintain and operate such  
13 facilities in their former location or locations.

14 (Source: P.A. 90-681, eff. 7-31-98.)

15 (605 ILCS 10/14.1) (from Ch. 121, par. 100-14.1)

16 Sec. 14.1. The Authority shall, prior to the issuance of  
17 any bonds under this Act, except refunding bonds, prepare and  
18 submit to the Governor for his approval preliminary plans  
19 showing the proposed location of the route or routes of the  
20 particular toll highway for which the bonds are to be issued,  
21 which plans shall designate the approximate point of the  
22 commencement and the termination of said route or routes and  
23 shall also designate the municipalities to be afforded  
24 reasonable connections therewith, and to be served thereby.  
25 The Authority shall at the same time submit to the Governor  
26 for his approval preliminary estimates of the cost of the  
27 construction of the toll highway, shown on said preliminary  
28 plans. If the Governor shall approve the preliminary plans  
29 and the estimate of the cost thereof, the Authority may  
30 thereupon proceed with the issuance of bonds as hereinafter  
31 provided. Prior to the issuance of bonds for or the  
32 commencement of construction of any new toll highway segment,  
33 however, the issuance of bonds for or the commencement of

1 construction of that particular segment toll-highway shall be  
2 approved by law as provided in Section 23 authorized-by-joint  
3 resolution-of-the-General-Assembly.

4 (Source: P.A. 86-1164.)

5 (605 ILCS 10/16.2 new)

6 Sec. 16.2. Financial benefit prohibited.

7 (a) A director, employee, or agent of the Authority may  
8 not receive a financial benefit from a contract let by the  
9 Authority during his or her term of service with the  
10 Authority and for a period of one year following the  
11 termination of his or her term of service as a director of  
12 the Authority or as an employee or agent of the Authority.

13 (b) A member of the immediate family or household of a  
14 director, employee, or agent of the Authority may not receive  
15 a financial benefit from a contract let by the Authority  
16 during the immediate family or household member's term of  
17 service with the Authority and for a period of one year  
18 following the termination of the immediate family or  
19 household member's term of service as a director of the  
20 Authority or as an employee or agent of the Authority.

21 (c) A director, employee, or agent of the Authority may  
22 not use material non-public information for personal  
23 financial gain nor may he or she disclose that information to  
24 any other person for that person's personal financial gain  
25 when that information was obtained as a result of his or her  
26 directorship, employment, or agency with the Authority.

27 (d) A member of the immediate family or household of a  
28 director, employee, or agent of the Authority may not use  
29 material non-public information for personal financial gain  
30 nor may he or she disclose that information to any other  
31 person for that person's personal financial gain when that  
32 information was obtained as a result of his or her immediate  
33 family or household member's directorship, employment, or

1 agency with the Authority.

2 (e) For purposes of this Section, "immediate family or  
3 household member" means the spouse, child, parent, brother,  
4 sister, grandparent, or grandchild whether of the  
5 whole-blood, half-blood, or adoption, or a person who shares  
6 a common dwelling with a director of the Authority or with an  
7 employee or agent of the Authority.

8 (605 ILCS 10/18) (from Ch. 121, par. 100-18)

9 Sec. 18. The sums of money appropriated by the General  
10 Assembly (other than sums appropriated from the Illinois  
11 State Toll Highway Authority Fund) for the payment of  
12 ordinary and contingent expenses of the Authority or the  
13 payment of compensation of the members of the Authority  
14 expended as a part of the cost of a toll highway financed by  
15 revenue bonds issued and sold by the Authority under this Act  
16 shall be repaid to the State Treasury out of the proceeds of  
17 the sale of such bonds, for deposit in the fund from which  
18 such sums were appropriated. Any such sums remaining unpaid  
19 because expended for preliminary investigation of toll  
20 highway routes not constructed shall be repaid by the  
21 Authority out of the proceeds of the sale of any of such  
22 bonds issued to finance additional toll highways or  
23 extensions of existing toll highways. If no such new bonds  
24 are issued, and the money appropriated by the General  
25 Assembly has not otherwise been repaid in full, then the  
26 Authority shall, after payment of all existing bonds and  
27 interest thereon, continue to collect tolls for the privilege  
28 of using the toll highways constructed pursuant to the  
29 authority of "An Act in relation to the construction,  
30 operation, regulation and maintenance of a system of toll  
31 highways and to create The Illinois State Toll Highway  
32 Commission, and to define its powers and duties and to repeal  
33 an Act therein named", approved July 13, 1953, as amended,

1 until such time as the tolls collected are sufficient to  
2 repay any such unpaid money. The tolls so collected shall be  
3 paid by the Authority to the State treasury for deposit in  
4 the fund from which such sums were appropriated.

5 (Source: Laws 1968, p. 199.)

6 (605 ILCS 10/20.2 new)

7 Sec. 20.2. Comprehensive Strategic Financial Plan.

8 (a) The Authority must submit to the General Assembly,  
9 not later than December 31, 2002, a 20-year comprehensive  
10 strategic financial plan. The plan must include detailed  
11 information regarding the Authority's income, expenditures,  
12 debt, capital needs, and the cost of any planned toll highway  
13 extensions. The Authority must provide detailed and specific  
14 information regarding how it will fund its debt, unfunded  
15 capital needs, and the planned toll highway extensions. This  
16 information must include the possibility of obtaining federal  
17 funds, both loans and grants, under the Transportation  
18 Infrastructure Innovation Act or other federal programs.

19 (b) Before submitting the plan under subsection (a), the  
20 Authority must hold at least 2 public hearings at which any  
21 person may appear, express opinions, suggestions, or  
22 objections, or direct inquiries relating to the proposed  
23 plan. The Authority may not hold more than one hearing on the  
24 same day in connection with the proposed plan. The Authority  
25 must schedule a minimum of 4 hours for each such hearing. At  
26 least 3 directors of the Authority must be present at each  
27 such hearing, and each such director must be present for the  
28 entire duration of the hearing.

29 (605 ILCS 10/23) (from Ch. 121, par. 100-23)

30 Sec. 23. The Authority shall file with the Governor, the  
31 Clerk of the House of Representatives, the Secretary of the  
32 Senate, and the Illinois Economic and Fiscal Commission, on

1 or prior to March 15th of each year, a written statement and  
2 report covering its activities for the preceding calendar  
3 year. The Authority shall present, to the committees of the  
4 House of Representatives designated by the Speaker of the  
5 House and to the committees of the Senate designated by the  
6 President of the Senate, an annual report outlining its  
7 planned revenues and expenditures, including any plan to  
8 institute a general increase in toll rates. Prior to  
9 instituting any general increase in toll rates, the Authority  
10 shall obtain the approval of the General Assembly by law  
11 approved by the vote of a three-fifths majority of the  
12 members elected to each house. The Authority shall prepare  
13 an annual capital plan which identifies capital projects by  
14 location and details the project costs in correct dollar  
15 amounts. The Authority may issue bonds to implement its  
16 capital plan only in amounts and for purposes that have been  
17 approved by law. The Authority shall also prepare and file a  
18 ten-year capital plan that includes a listing of all capital  
19 improvement projects contemplated during the ensuing ten-year  
20 period. The first ten-year capital plan shall be filed in  
21 1991 and thereafter on the anniversary of each ten-year  
22 period.

23 It shall also be the duty of the Auditor General of the  
24 State of Illinois, annually to audit or cause to be audited  
25 the books and records of the Authority and to file a  
26 certified copy of the report of such audit with the Governor  
27 and with the Legislative Audit Commission, which audit  
28 reports, when so filed, shall be open to the public for  
29 inspection.

30 (Source: P.A. 91-256, eff. 1-1-00.)

31 (605 ILCS 10/23.5 new)

32 Sec. 23.5. Management audit.

33 (a) The Auditor General shall conduct a management audit

1 of the State's toll highway operations and management.

2 (b) The purpose of the audit shall be to determine  
3 whether the Authority is managing or using its resources,  
4 including toll and investment-generated revenue, personnel,  
5 property, equipment, and space, in an economical and  
6 efficient manner. The audit shall also determine the causes  
7 of any inefficiencies or uneconomical practices, including  
8 inadequacies in management information systems, internal and  
9 administrative procedures, organizational structure, use of  
10 resources, allocation of personnel, purchasing policies, and  
11 equipment. In addition to these matters, the audit shall  
12 specifically examine the process by which the Authority  
13 collects, transports, and counts toll collections.

14 (c) The Auditor General shall report his or her  
15 preliminary findings to the Governor and the General Assembly  
16 no later than April 15, 2003 and shall report the complete  
17 audit to the Governor and the General Assembly no later than  
18 June 30, 2003.

19 (d) The Authority shall pay the cost of the audit  
20 conducted under this Section.

21 (605 ILCS 10/24) (from Ch. 121, par. 100-24)

22 Sec. 24. Except as otherwise provided in any bond  
23 resolution, the proceeds derived from the sale of bonds, and  
24 all receipts and income derived from tolls, licenses, gifts,  
25 donations, concessions, fees, rentals, and all other revenues  
26 from whatever source derived, shall, within 3 three days  
27 after receipt thereof, be paid to the Treasurer of the State  
28 of Illinois, and held by him as a special fund known as the  
29 Illinois State Toll Highway Authority Fund, except that the  
30 Authority may retain portions of the Illinois State Toll  
31 Highway Authority Fund as a locally maintained construction  
32 fund revolving account and as a revenue fund revolving  
33 account, where authorized by a bond resolution, and as

1 locally maintained change funds, where necessary for the  
2 operations of the Authority. The State Treasurer shall be ex  
3 officio custodian of such special fund, which fund shall be  
4 held, invested and disbursed for the purposes provided herein  
5 upon the order of the Authority and in accordance with  
6 provisions and covenants of any bond resolution authorizing  
7 the issuance of bonds which have not been paid or deemed  
8 paid. The interest accruing on said special fund shall be  
9 computed and added to the principal thereof every six months.  
10 In addition to the special audits prescribed by this Act, the  
11 said fund shall also be subject to audit in the same manner  
12 as is now, or may hereinafter be, provided for the audit of  
13 State funds and accounts. The said special fund shall be  
14 protected by a corporate surety bond, executed by the  
15 Treasurer, with a surety authorized to do business under the  
16 laws of the State of Illinois. The amount of said bond shall  
17 be fixed by resolution of the Authority, approved by the  
18 Governor, and may be increased or diminished at any time. The  
19 premiums on said bond shall be payable from the funds of the  
20 Authority. The bond shall be subject to the approval of the  
21 Governor and Attorney General of the State of Illinois, and,  
22 when so approved, shall be filed in the office of the  
23 Secretary of State. This Act shall constitute an irrevocable  
24 and continuing appropriation from the special fund for  
25 amounts to pay principal, interest, and other bond expenses  
26 and obligations as provided in this Act. All other expenses  
27 of the Authority, including the ordinary and contingent  
28 expenses for the Authority's annual operations, are subject  
29 to annual appropriation by the General Assembly from the  
30 special fund (or from other funds as provided in Section 18)  
31 for each fiscal year. Said special fund shall-be-considered  
32 ~~always-appropriated-for-the--purposes--of--disbursements,~~ as  
33 ~~provided--in--this--Act,~~ and shall be paid out and disbursed  
34 only as provided herein, and shall not, at any time be

1 appropriated or diverted to any other use or purpose. For  
2 all outstanding bonds issued by the Authority before the  
3 effective date of this amendatory Act of the 92nd General  
4 Assembly, the State guarantees the timely payment of any  
5 principal or interest that is not paid by the Authority when  
6 due, with recourse to the Court of Claims. The Authority  
7 shall, with respect to all revenue bonds outstanding as of  
8 the effective date of this amendatory Act of the 92nd General  
9 Assembly, maintain in a debt service fund an amount equal to  
10 140% of the amount needed to pay annual debt service pursuant  
11 to the bonds.

12 (Source: P.A. 83-1258.)".